

15871. Adulteration and misbranding of alimentary paste. U. S. v. 19 Boxes, et al., of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21173. I. S. Nos. 13402-x, 13403-x, 13404-x. S. No. E-5805.)

On or about July 17, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of alimentary-paste at Jersey City, N. J., alleging that the article had been shipped by the De Martini Macaroni Co., Inc., Brooklyn, N. Y., on or about June 24, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "Tripolini Bologna Style Macaroni (or "Tagliatelle Fine Bologna Style Macaroni" or "Farfalle Rotonne Bologna Style Macaroni") Artificially colored 20 Lbs. net when packed."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed, due to a deficiency in or total lack of egg.

Misbranding was alleged for the reason that the article was an imitation of another article, and in that the statement, "20 Lbs. Net," was false and misleading and deceived and misled the purchaser.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15872. Adulteration and misbranding of alimentary paste. U. S. v. 40 Boxes of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21174. I. S. No. 13405-x. S. No. E-5806.)

On July 15, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of alimentary paste at Jersey City, N. J., alleging that the article had been shipped by the National Noodle Co., New York, N. Y., on or about June 17, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Colors Used are U. S. Certified National Noodle Company, New York, N. Y., Guaranteed Under the Food and Drugs Act, June 30, 1906, * * * Bologna Style Net Contents 20 Lbs. When Packed Taglierini No. 17."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed, due to deficiency in or total lack of egg.

Misbranding was alleged for the reason that the article was an imitation of another article, and in that the statement, "20 Lbs. Net," was false and misleading and deceived and misled the purchaser.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15873. Adulteration of carob beans. U. S. v. 33 Bags of Carob Beans. Default order of destruction entered. (F. & D. No. 22411. I. S. No. 17545-x. S. No. 478.)

On or about January 31, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 bags of carob beans, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Leo Crisafulli, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about December 29, 1927, and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Leo Crisafulli, 31 Leonard Street, New York City."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, a sample of the said article showing insect infestation adulteration.